

January 9, 1976

SENATOR BARNETT: Mr. Chairman, would you let Senator Fowler explain the bill and then we will go on from there.

SPEAKER: Can he speak for himself, Senator Barnett?

SENATOR BARNETT: Well, I would hope so but you won't let him.

SPEAKER: Okay, Senator Fowler.

SENATOR FOWLER: Okay, an explanation of the bill. LB 503 deals with the suspension and dismissal laws in the state of Nebraska. This deals with elementary and secondary schools. Currently, we have a law on the books but it has been ruled unconstitutional by court decisions. So, in effect, there is no suspension and dismissal law within the state of Nebraska. LB 503 is a draft based on a statute used in Indiana to provide a statutory framework for suspension and dismissal within the schools. Now it is obviously a lengthy bill. It is 19 pages, and there are those that say that perhaps that is a disadvantage. I think the strength of the bill is in the fact that it is detailed. I have talked to people with the Omaha School District, the School Board Association, the Lincoln School District and other school districts and they indicated that though there are different ways to provide due process within schools that LB 503 is a more adequate means to do this. That it is acceptable to them. Without a bill like this, it will be up to each school district to try and provide some sort of due process mechanism. This is going to take lengthy time, the retaining of attorneys in each school district to try and draft a bill to meet court decisions. I think it is important that this Legislature provide detailed guidelines as to what suspension and dismissal processes should be. Without this, it will be up to each school district to try and develop its own. We will see further court tests, more expensive litigation, and greater confusion. So I think that LB 503 is something that will provide those guidelines. We do not have any sort of suspension and dismissal statutes for all practical effects and I think this is the best way to provide it.

SPEAKER: Senator Keyes.

SENATOR KEYES: I just want to ask Senator Fowler, if a child is expelled or dismissed from school at 10 o'clock in the morning, who is responsible for him until he gets home, whether he is in the first grade or whether he is in the 12th grade?

SENATOR FOWLER: There are different processes. There is a short term suspension and there is expulsion. The school district would be getting in contact with the parents and send the kid home.

SENATOR KEYES: Who is responsible from the time he leaves? I went to work all my life, and if my wife wasn't home, who is going to watch over my child. I send him to school